

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KEVIN BROWN, )  
 )  
 Plaintiff, )  
 )  
 v. ) CIVIL ACTION FILE NO.:  
 )  
 )  
 CARLTEZ D. JEFFERSON, )  
 MIKE IRELAND, JESSICA MATTHEWS, )  
 DEPUTY MATTHEW CORLEY, )  
 DEPUTY J. STRINGER, and )  
 STEPHANIE MARSHALL, )  
 Each Individually and in their Official )  
 Capacity as Employees of the Henry County )  
 Police Department and )  
 the Henry County Sheriff's Office, )  
 )  
 Defendants. )

**DEFENDANTS' NOTICE OF REMOVAL**

**PLEASE TAKE NOTICE** that Defendants Carltez D. Jefferson (hereinafter “Jefferson”), Mike Ireland (hereinafter “Ireland”), Jessica Matthews (hereinafter “Matthews”), Deputy Matthew Corley (hereinafter “Deputy Corley”), Deputy J. Stringer (hereinafter “Deputy Stringer”), and Stephanie Marshall (hereinafter “Marshall”) (hereinafter collectively “Defendants”), hereby give notice of removal of the above action from the Superior Court of Henry County, State of Georgia, Civil

Action No. SUCV2023001594, to the United States District Court for the Northern District of Georgia, Atlanta Division and states:

1.

On June 15, 2023, Plaintiff filed in the office of the Clerk of the Superior Court of Henry County, State of Georgia, a Complaint in a matter entitled Kevin Brown v. Carltez D. Jefferson, Mike Ireland, Jessica Matthews, Deputy Matthew Corley, Deputy J. Stringer, and Stephanie Marshall, each individually and in their Official Capacity as Employees of the Henry County Police Department and the Henry County Sheriff's Office, Civil Action No. SUCV2023001594. (A copy of the Complaint, Summons, Civil Cover Sheet, Sheriff's Entries of Service and Non-Services, and Notice of Appearance for Attorneys Timothy J. Buckley, III and Kelly Christopher are annexed hereto as Exhibit "A").

2.

Exhibit "A" constitutes all "process, pleadings and orders" served in this action to date, as required by 28 U.S.C. § 1446(a).

3.

Jefferson and Ireland were served in the above-styled action with Plaintiff's Complaint on June 26, 2023. Marshall was served on June 27, 2023, and Matthews was served on June 28, 2023. Deputy Corley and Deputy Stringer have not been

served.<sup>1</sup> Jefferson and Ireland received notice of the Complaint no earlier than June 26, 2023.

4.

This Court has original jurisdiction over the above-described action pursuant to 28 U.S.C. § 1331, 42 U.S.C. § 1983, and because Plaintiff seeks relief against Defendants for an alleged violation of his civil rights as protected under the United States Constitution. See Harris v. Birmingham Board of Education, 817 F.2d 1525, 1526-1527 (11<sup>th</sup> Cir. 1987). Accordingly, this action can be removed pursuant to 28 U.S.C. § 1441(a), which provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

5.

Plaintiff’s Complaint is premised on issues of state and federal law. Because Defendants are removing this case based on federal question jurisdiction granted by 28 U.S.C. § 1331, the state law claims are also removable under 28 U.S.C. § 1441.

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<sup>1</sup> Upon information and belief, Deputy Corley and Deputy Stringer will consent to the removal once served.

6.

Defendants desire to remove this action to this Court as provided by law.

7.

The Superior Court of Henry County, State of Georgia, is the place where the superior court action is pending.

8.

This notice is being filed with the Court within thirty (30) days of Jefferson and Ireland's receipt "through service or otherwise, of a copy of the initial pleadings setting forth the claim for relief upon which such action or proceeding is based," as provided by 28 U.S.C. § 1446(b).

9.

A removal notice together with a copy of this Notice of Removal shall be filed with the Clerk of the Superior Court of Henry County, Georgia and shall be served on counsel for Plaintiff.

10.

This Notice of Removal constitutes only a limited, and not a general appearance by Defendants. Defendants are appearing jointly to remove this action from state to federal court. Defendants waive no right to assert any defense as to service of process, the sufficiency of service of process, or personal jurisdiction.

WHEREFORE, Defendants pray that the above action now pending in the Superior Court of Henry County, State of Georgia, be removed to this Court.

This 26th day of July, 2023.

Respectfully submitted,

**BUCKLEY CHRISTOPHER & HENSEL, P.C.<sup>2</sup>**

/s/ Timothy J. Buckley III

TIMOTHY J. BUCKLEY III

Georgia State Bar No. 092913

Kelly L. Christopher

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Attorneys for Defendants

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<sup>2</sup> Pursuant to Local Rule 7.1(D), I hereby certify that the foregoing has been prepared in compliance with Local Rule 5.1(B) in Times New Roman 14-point typeface.

**CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 2023, I electronically filed the NOTICE OF REMOVAL upon all parties to this matter using the CM/ECF system which will automatically send email notification of such filing and through First Class Mail addressed to the following attorneys of record:

Jordan Johnson, Esq.  
Jessica Burton, Esq.  
Bernard & Johnson, LLC  
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Alex@Justice.Law  
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**BUCKLEY CHRISTOPHER & HENSEL, P.C.**

/s/ Timothy J. Buckley III  
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